IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 11956 of 1995

Between:

1. Smt.B.Janaki Devi, Widow of Late Sri.Balarajaiah,
   Aged 66 years, R/o:Block -6, Flat - 5, LIG Housing Board

Colony, M.J.Road, Hyderabad.
2. Smt.B.Lalitha Devi, D/o.late Sri.Balarajaiah,
   Aged 47 years, Occu: Teacher, R/oBlock -4, Flat - 10, MIGH

Housing Board Colony, M.J.Road, Hyderabad.
3. Smt.B.Susheela Devi, D/o.late Sri.Balarajaiah,

Aged 45 years, Occu: Deputy Office Superintendent,

Central Excise, Block -4, Flat - 10, MIGH Housing Board

Colony, M.J.Road, Hyderabad.
4. Sri B.Rammohan Reddy, S/o.late Sri.Balarajaiah,
   Aged 43 years, Occu:Industrialist, Managing Dirctor,

Neltron Televisions, Nalgonda, R/o.Flat No.109,
   Prasad Apartments, Gunfoundry, Hyderabad.
5. Sri B.Murali Mohan Reddy, S/o.late Sri.Balarajaiah,
   42 years, Occu:Officer, State Bank of India, Kodakandla,

Warangal District, R/o. Plot No.17, Abantinagar Colony,
   Basheerbagh, Hyderabad.
6. Dr.B.Venumohan Reddy, S/o. late Sri.Balarajaiah,
   Aged 36 years, Block -6, Flat - 5, LIG Housing Board Colony,
   M.J.Road, Hyderabad.

..... PETITIONERS

AND

1. State of Andhra Pradesh, Rep.by Secretary,
   Social Welfare Department, Secretariat,
   Hyderabad.
2. The Collector & District Magistrate,
   Rangareddy District at Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court mat be pleased to issue a writ, order or direction in the nature of mandamus or otherwise, declaring the impugned proceedings of the second respondent bearing NO.05/7755/91, Dt.22/4/1995 as wholly, illegal, arbitrary, ultra vires and unenforceable and consequently set aside the same and be pleased to pass such other order or orders as this Honourable Court may deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.VILAS V.AFZULPURKAR

Counsel for the Respondent No.1: GP FOR SOCIAL WELFARE

Counsel for the Respondent No.2: NONE APPEARED

The Court made the following:

ORDER:

This writ petition is filed questioning the order of the second respondent passed

in proceedings No.05/7755/91, dated 22-04-1995, cancelling the caste certificate dated
07-08-1961, certifying all the family members of late Sri Balarajaiah as Scheduled Tribe and certificate dated
01-08-1973 of the fourth respondent.

A perusal of the caste certificate shows that it was obtained by the late husband of the first petitioner, who is the father of the petitioners 2 to 6, when they were minors. The said certificate was issued as early as in the year 1961. After repeated enquiries, the impugned order came to be passed.

When the matter has come up for hearing, the learned counsel for the petitioners has filed affidavits of the petitioners stating that they and their children will not claim the Scheduled Tribe status in future and the undertakings have been filed to that effect.

Inasmuch as the certificate was not obtained by the petitioners, there cannot be any prosecution against them at this stage. The very cancellation of the certificate, which was obtained in the year 1961, under the impugned proceedings, shows that it was obtained when all the children of late Balarajaiah were minors. Basing on the said certificate, the petitioners availed the benefits. Now, in view of the undertakings furnished by the petitioners,
I close the writ petition by setting aside the impugned order to the extent of launching prosecution against the petitioners.

With the above directions, the writ petition is closed. The undertakings furnished by the petitioners shall form part of the record. No order as to costs.

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17-02-2004.

Lrkm.

To

1. State of Andhra Pradesh, Rrep.by Secretary,
   Social Welfare Department, Secretariat,
   Hyderabad.
2. The Collector & District Magistrate,
   Rangareddy District at Hyderabad.

3. 2 CCs to the Government Pleader for Social Welfare, High

Court Buildings, High Court of A.P., Hyderabad.

4. 2 CD copies.